

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>DOUGLAS L. COBB,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>CHAFFEE COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 50820</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on February 25, 2009, Diane M. DeVries and MaryKay Kelley presiding. Petitioner appeared pro se. Respondent was represented by Jennifer Davis, Esq. Petitioner is protesting the 2008 actual value of the subject property.

**PROPERTY DESCRIPTION:**

Subject property is described as follows:

**908 McDonald Avenue, Buena Vista, Colorado  
(Chaffee County Schedule No. R327108300174)**

The subject property is a 1,464-square-foot ranch built in 1964 on 3.1 acres. It has neither basement nor garage. It is serviced by well and septic system, and is in average condition with replacement windows and carpeting.

Respondent assigned an actual value of \$269,841.00 for tax year 2008. Petitioner is requesting a value of \$227,085.00.

Petitioner did not present any comparable sales. He has worked as a contractor in Buena Vista for 37 years and disagrees with the 19% increase in the 2008 actual value of his property based on his familiarity with the town and its economy. His requested value of \$227,085.00 is the assigned value for tax year 2006, which he considers appropriate and which should be upheld.

Respondent presented an indicated value of \$269,841.00 for the subject property based on the market approach. Six comparable sales were presented, ranging in sales price from \$149,500.00 to \$273,500.00 and in size from 816 to 1,730 square feet. After adjustments were made, the sales ranged from \$257,066.00 to \$289,403.00.

Respondent's witness presented Sales 1 through 3 for their similarity in lot size (1.6 to 1.86 acres) despite design differences (1.5-story and modular). Sales 4 through 6 are all similarly sized ranch elevations located on small sites (0.15 to 0.26 acres) unlike the subject. The witness gave greatest weight to Sales 1 through 3.

Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2008.

The Board notes Petitioner's disagreement with the percentage increase in assigned value from the prior tax year but Petitioner did not provide the Board with any market data to contradict Respondent's concluded value. "The actual value of residential real property shall be determined solely by consideration of the market approach to appraisal." CRS § 39-1-103(5)(a).

## **ORDER:**

The petition is denied.

## **APPEAL:**

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of CRS § 24-4-106(11) (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the Respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of CRS § 24-4-106(11) (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

CRS § 39-8-108(2) (2008).

**DATED and MAILED** this 18<sup>th</sup> day of March 2009.

**BOARD OF ASSESSMENT APPEALS**

*Diane M DeVries*  
Diane M. DeVries

*MaryKay Kelley*  
MaryKay Kelley

This decision was put on the record

**MAR 18 2009**

I hereby certify that this is a true and correct copy of the decision of the Board of Assessment Appeals.

*Heather Flanery*  
Heather Flanery

